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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/839,439

04/20/2001

Jay Yogeshwar

FPD-1

1725

26479

7590

07/15/2004

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EXAMINER

DO, ANH HONG

ART UNIT

PAPER NUMBER

2624

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/839,439

Applicant(s)

YOGESHWAR ET AL.

Examiner

ANH H DO

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15, 16, 18-21, 25, 26, 28, 30, 36-40 and 43-50 is/are rejected.
- 7) ☒ Claim(s) 1, 14, 17, 22-24, 27, 29, 31-35, 41 and 42 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4 + 6</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-13, 15, 16, 18-21, 25, 26, 28, 30, 36-40, and 43-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilbert et al. (US Patent No. 6,031,939) in view of Yogeshwar et al. (US Patent No. 5,684,714).

Regarding claim 1, Gilbert discloses:

- receiving information including image quality information (col. 5, lines 53-57, teaches receiving image quality level) and image use information (Fig. 3: objective 33);
- selecting a first encoding format from a plurality of supported encoding formats as a function of said received information (col. 6, lines 22-27, teaches selecting compression conditions which designate a compression algorithm, such as one of JPEG, EZW, FISHER, TETRA, EPIC);
- encoding said image data according to the first encoding format to thereby generate first encoded image data representing said image (Fig. 3, step 38).

Gilbert does not disclose expressly storing the first encoded image data using a digital data storage device.

Yogeshwar discloses storing the first encoded image data using a digital data storage device (col. 25, lines 29-34, teaches a medium for storing the encoded video).

Gilbert & Yogeshwar are combinable because they are from image encoding method.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to store the encoded image data in a storage medium in Gilbert as taught by Yogeshwar.

The suggestion/motivation for doing so would have been to obtain image quality while still satisfying the video buffer constraints and not exceeding the storage capacity of the medium containing the encoded video (Yogeshwar, col. 25, lines 29-34).

Therefore, it would have been obvious to combine Gilbert with Yogeshwar to obtain the invention as specified in claim 1.

Regarding claim 25, Yogeshwar teaches a computer (i.e., workstation 40) (col. 10, lines 12-16) implicitly storing executable instructions for controlling the computer to perform the method in claim 1, therefore the discussion of claim 1 applies hereto.

Regarding claims 38 and 43, since these claims each recites similar subject matters as those in claim 1, the discussion of claim 1 also applies hereto.

Regarding claims 2, 4 and 44, Yogeshwar teaches a desired minimum level of image quality at which an image to be preserved (col. 25, lines 26-37).

Regarding claims 3, 5, 12, 13, 45, 46 and 49, Yogeshwar teaches selecting encoding format, which will preserve the image at a level of quality at least as good as

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the indicated minimum level of image quality (col. 25, lines 19-25, teaches selecting the re-encoding format for the protected sections).

Regarding claims 6, 7, 47, 48, and 50, Yogeshwar teaches analyzing image data to generate image quality information and querying a human for said image quality (Fig. 12, step 284).

Regarding claims 8-10, 15 and 16, Yogeshwar teaches selecting a first encoding format is further performed as a function of the received data storage limitation information (col. 25, lines 29-34).

Regarding claims 11 and 39, Yogeshwar teaches a digital tape (col. 8, lines 61-64).

Regarding claims 18 and 40, Gilbert teaches the encoding formats MPEG and JPEG (col. 1, lines 46-48).

Regarding claims 19-21, Gilbert teaches data distribution use of satellite broadcast (col. 5, lines 31-35).

Regarding claim 26, Gilbert discloses:

- a compression module supporting a plurality of different encoding formats, the compression module including a plurality of encoding modules, each encoding module capable of performing data encoding according to a different standardized encoding format (Fig. 2: compression algorithms 23);

- a control module for selecting from the plurality of encoding formats, an encoding format to be used with a given set of data supplied to the compression module (Fig. 3: selection).

Gilbert does not disclose expressly a data storage device for storing the encoded image data generated by said compression module.

Yogeshwar discloses storing the encoded image data using a digital data storage device (col. 25, lines 29-34, teaches a medium for storing the encoded video).

Gilbert & Yogeshwar are combinable because they are from image encoding method.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to store the encoded image data in a storage medium in Gilbert as taught by Yogeshwar.

The suggestion/motivation for doing so would have been to obtain image quality while still satisfying the video buffer constraints and not exceeding the storage capacity of the medium containing the encoded video (Yogeshwar, col. 25, lines 29-34).

Therefore, it would have been obvious to combine Gilbert with Yogeshwar to obtain the invention as specified in claim 26.

Regarding claim 28, Yogeshwar teaches a decoder for performing operations opposite to the encoding process (i.e., decoding process) (col. 7, lines 39-41).

Regarding claim 30, Yogeshwar teaches outputting means for outputting encoded data (col. 9, lines 3-6).

Regarding claim 36, Yogeshwar teaches a console monitor 31 for displaying images (Fig. 1A).

Regarding claim 37, Gilbert teaches:

- receiving information including image quality information (col. 5, lines 53-57, teaches receiving image quality level) and image use information (Fig. 3: objective 33);
- selecting a first encoding format from a plurality of supported encoding formats as a function of said received information (col. 6, lines 22-27, teaches selecting compression conditions which designate a compression algorithm, such as one of JPEG, EZW, FISHER, TETRA, EPIC).

Allowable Subject Matter

3. Claims 14, 17, 22-24, 27, 29, 31-35, 41, and 42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 14, the prior art, either taken singly or in combination, does not teach:

- wherein the plurality of supported encoding quality levels include... to an end viewer.

Regarding claim 17, since this claim depends upon claim 14, it is also objected for the same reason.

Regarding claims 22 and 41, the prior art, either taken singly or in combination, does not teach:

- converting the first encoded image data... from the first encoding format.

Regarding claims 23 and 24, since these claims depend upon claim 22, they are also objected for the same reason.

Regarding claim 42, since these claims depend upon claim 41, it is also objected for the same reason.

Regarding claim 27, the prior art, either taken singly or in combination, does not teach:

- a transcoder module for converting... to a different data format.

Regarding claims 29 and 31-35, since these claims depend upon claim 27, they are also objected for the same reason.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANH H DO whose telephone number is 703-308-6720. The examiner can normally be reached on 5/4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID K MOORE can be reached on 703-308-7452. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

July 12, 2004.



ANH HONG DO
PRIMARY EXAMINER